**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

CWP No.12303 of 2006
Date of decision: 21.8.2007

Shri Balbir Singh

-----Petitioner

Vs.

Presiding Officer, Labour Court, Ludhiana and others

-----Respondents

**CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL**
**HON'BLE MR JUSTICE AJAI LAMBA**

Present: Mr. Vikas Chatrath, Advocate, for the petitioner.
Mr. Amandeep Singh, Advocate for respondent No.3.

**JUDGMENT:**

This petition seeks quashing of award dated 24.5.2006, Annexure P.5.

Case of the petitioner is that he was appointed on ad hoc basis on 4.4.1997. His services were terminated on 19.6.1999 in violation of provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short, 'the Act'). He raised an industrial dispute which was referred for adjudication.

The management contested the claim and stated that the petitioner having been appointed on daily wages, termination of his services was not illegal.

The Labour Court held that appointment of the

petitioner was made without any sanction from the concerned authority and was a back-door entry and in such a situation, Section 25-F of the Act was not applicable. Reliance was placed on judgments of this Court in **Benrana v. Ajit Singh and another**, 2003(5) SLR 766, **Hoshiarpur Central Cooperative Bank Limited Hoshiarpur v. Presiding Officer, Labour Court, Jalandhar,** 2005 (104) FLR 574 and judgment of the Hon'ble Supreme Court in **Himanshu Kumar Vidyarathi vs. State of Bihar,** AIR 1997 SC 3657.

We have heard learned counsel for the petitioner, who relied upon judgment of the Hon'ble Supreme Court in **The Punjab Land Development and Reclamation Corporation Limited, Chandigarh v. The Presiding Officer, Labour Court, Chandigarh** and others, 1990(2) RSJ 53. It was held that Section 2 (oo) of the Act was applicable to termination of service for any reason. He further relied upon judgment of the Hon'ble Supreme Court in **Vikramaditya Pandey v. Industrial Tribunal and another,** AIR 2001 SC 672, Para 6. In the said judgment,it was held that if an employee had worked on ad hoc basis with notional breaks for over three years and termination of his services was illegal, he could not be denied reinstatement.

We do not find any merit in the contention raised. The judgements relied upon do not consider the case of a daily wager in

the context of Clause (bb) of Section 2(oo) of the Act, which was considered in the judgments relied upon by the Labour Court which have been further reiterated in judgments of the Hon'ble Supreme Court, inter-alia, in **Reserve Bank of India v. Gopinath Sharma and Another,(**2006)6 SCC 221,**Municipal Council, Samrala v. Raj Kumar, (**2006) 3 SCC 81, **Gangadhar Pillai v. Siemens Ltd.**,(2007) 1 SCC 533 and **State of U.P. v. Neeraj Awasthi**,(2006) 1 SCC 667.

The view taken by the Labour Court being consistent with the law laid down by the Hon'ble Supreme Court referred to above, no ground is made out for interference under Article 226 of the Constitution.

The petition is dismissed.

**( ADARSH KUMAR GOEL )**
**JUDGE**

**August 21, 2007** **(AJAI LAMBA)**
'gs' **JUDGE**